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**JAN 19 2006**

Chad C. Anderson  
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Washington DC 20006

In re Application of: Lee et al.  
Appl. No.: 10/653,176  
Filed: September, 2003  
For: TOASTER WITH MICROWAVE OVEN AND  
METHOD FOR OPERATING THE SAME

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: DECISION ON PETITION  
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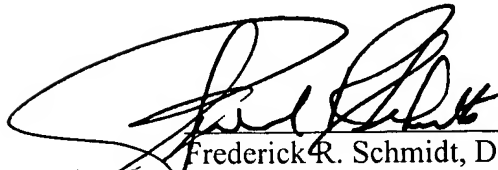
This is a decision on the petition filed on August 5, 2005 by which petitioners request withdrawal of the finality of the Office action dated May 9, 2005. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is dismissed as being untimely filed.

Review of the record shows that the instant petition was filed over two months after the mailing date of the final Office action. Pursuant to 37 CFR 1.181(f), the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the relief requested will not be granted.

The application is being forwarded to the examiner of record for consideration of the amendment and remarks filed August 5, 2005.

PETITION DISMISSED

  
Frederick R. Schmidt, Director  
Technology Center 3700